

REMARKS

Claims 1-73 are presently pending in the case. Claims 1-12 and 14-49 have been amended. Claims 50-73 have been added. Support for the amendments can be found throughout the specification as originally filed. For example, see page 6 line 28 through page 7 line 4 and page 13 line 1 through page 14 line 24.

Reconsideration of the present case in view of the above amendments and the remarks herein is requested.

Numbering of the claims

Applicant acknowledges the Examiner's renumbering of the claims. Applicant has also indicated the renumbering in the amendments above.

Claim rejections under 35 USC 102

The Examiner rejected claims 1-7, 12, 14-19, 30-33, and 39 under 35 USC 102(b) as being anticipated by U.S. Patent 4,147,618 to Richardson et al (hereinafter Richardson et al). The rejection is traversed.

Richardson et al does not anticipate claims 1-7, 12, 14-19, 30-33, and 39. To sustain a section 102 rejection, the reference relied upon, must disclose each and every element of the claimed invention. Non-disclosure of a single element of the claim negates anticipation. Claim 1, for example, is to a method for measuring the mass of a powder substance, the method comprising, inter alia, applying energy to a powder substance which comprises a pharmaceutical agent. Richardson et al discloses measuring the mass of a propellant in an ammunition cartridge. Richardson et al does not disclose measuring the mass of a powder substance which comprises a pharmaceutical agent. Therefore, Richardson et al does not anticipate the claim, and it is requested that the rejection be withdrawn.

Claim 14 is also not anticipated by Richardson et al. Claim 14 is to a method comprising, inter alia, filling a metering chamber defining a certain volume with a powder substance which comprises a pharmaceutical formulation. Richardson et al does not disclose a

powder substance which comprises a pharmaceutical formulation and does not anticipate the claim.

Additionally, claim 17 is not anticipated by Richardson. Claim 17 recites "directing a beam of light onto a powder substance which comprises a pharmaceutical agent." Richardson et al does not disclose directing a beam of light onto a powder substance which comprises a pharmaceutical formulation. Accordingly, the rejection of claim 17 as being anticipated by Richardson et al should be removed.

Richardson et al does not anticipate claim 21, either. Claim 21 includes the step of "filling the chamber with a powder substance which comprises a pharmaceutical formulation". This step is not disclosed by Richardson et al. Thus, Richardson et al does not anticipate the claim.

Independent claims 30 and 39 are also not anticipated by Richardson. Claim 30 is to a system comprising, inter alia, a metering chamber that is adapted to receive a powder substance and a cavity for receiving the powder substance when it is ejected from the metering chamber. Richardson et al does not disclose a system as claimed. In the Richardson et al system, propellant for ammunition is filled directly into a cartridge. Richardson et al does not disclose a metering chamber, as claimed. Furthermore, if the cartridge of Richardson et al is considered to be a metering chamber, then Richardson et al does not disclose a cavity, as claimed. Like claim 30, claim 39 recites the combination of a metering chamber and a cavity. Since Richardson et al does not disclose all features claimed, it does not anticipate claim 30 or claim 39.

Claims 2-13 depend from claim 1; claims 15 and 16 depend from claim 14; claims 18-20 depend from claim 17; claims 22-29 depend from claim 21; claims 31-38 depend from claim 30; and claims 40-49 depend from claim 39. Since each of these claims includes all of the limitations of the claim from which it depends, these claims are also not anticipated by Richardson et al. In addition, claims 2-13, 15, 16, 18-20, 22-29, 31-38 and 40-49 recite other features that further distinguish the claims.

Claim rejections under 35 USC 103(a)

The Examiner rejected claims 8-11, 13, 20-29, 34-38, and 40-49 under 35 USC 103(a) as being unpatentable over Richardson et al in view of GB 2077422 to Pryor et al

(hereinafter Pryor et al), U.S. Patent 4,461,363 to Loy (hereinafter Loy), U.S. Patent 3,744,582 to Withnell et al (hereinafter Withnell et al), U.S. Patent 4,640,376 to Hinzpeter (hereinafter Hinzpeter), and U.S. Patent 4,825,454 to Annis et al (hereinafter Annis et al). The rejection is traversed.

Richardson et al, when taken with Pryor et al, Loy, Withnell et al, Hinzpeter, and Annis et al does not render the presently claimed invention unpatentable. Richardson et al does not disclose or suggest the invention as separately set forth in the independent claims, as discussed above. The claims are also not rendered obvious by Richardson et al, in view of Pryor et al, Loy, Withnell et al, Hinzpeter, and Annis et al. Moreover, one of ordinary skill in the art would not have been motivated to modify Richardson et al based on the teachings of each of Pryor et al, Loy, Withnell et al, Hinzpeter, and Annis et al, as suggested by the Examiner. Accordingly, Applicant requests withdrawal of the rejection.

Claim Amendments

Claims 1-12 and 14-49 have been amended. Except as specifically mentioned above, these amendments have been made to correct typographical errors or to remove unnecessary limitations and have not been made for reasons related to patentability.

New Claims

Claims 50-73 have been added to define other aspects of Applicant's invention.

Information Disclosure Statement

Applicant is filing under separate cover, an information disclosure statement in compliance with MPEP section 609. Indication of consideration of the references provided is requested.

Conclusion

The Examiner is respectfully requested to consider and allow the presently pending claims. Should the Examiner have any questions, the Examiner is requested to call the undersigned at the number given below.

Respectfully submitted,

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